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SUBJECT: DEBATE OVER DETENTION OF ALLEGED CRIME LORDS

11. (SBU) Summary. The appellate panel of the Supreme Court has stayed a lower court order to release four of the dozens of people detained on corruption suspicions. The government's appeal against the original order is scheduled for March 5. End Summary

12. (SBU): On February 28, a Supreme Court appellate bench, on appeal from the government, stayed the February 26 High Court order declaring the detention of four individuals, including a former legislator, illegal and asking GOB to release them if they are not wanted in any other cases. The stay is valid until the appellate panel takes up the government appeal on March 5. The four detainees are former Awami League (AL) legislator Kamal Ahmed Majumder, Dhaka City Corporation (DCC) commissioner Quaiyum Khan, and Aminul Islam, Director, and Abul Quashem Paulash, Deputy Director of Proshika, a major non-governmental organization that the last government had attacked as pro-Awami League.

13. (SBU) Since the promulgation of the state of emergency on January 11, the military-led Joint Forces have detained hundreds of people, including former ministers and legislators, on suspicion of corruption or other crimes. The government issued 30-day detention orders for dozens of the detainees, mostly those known to have political connections, under the 1974 Special Powers Act (SPA) meant for preventive detention. According to the Attorney General's office, 25 of the SPA detainees have challenged their detentions to the High Court, and the February 26 judgment was the first decision given in response. More judgments are expected in the next few weeks. (Note: A September 2000 parliamentary study of SPA detentions showed that the HC declared illegal 98.8 percent of the 69,010 detentions over 26 years.)

14. (SBU) Deputy Attorney General Adilur Rahman Khan told us the GOB will try to implicate the detainees in previously or freshly filed criminal cases to be able to keep them in custody and provide time for collecting evidence. Law Adviser Mainul Hosein told the media on February 26 that the government BDG plan to release about 3000 ordinary convicts from prisons on the eve of the March 26 Independence Day to make room for new detainees in the overcrowded prisons. A former BNP legislator told us that the GOB position is the anti-corruption law itself authorizes the detention of corruption suspects.

15. (SBU) The GOB has yet to acknowledge, or produce to the courts within the mandated 24 hours, several persons widely believed to have been picked up in the anti-corruption sweep. The most prominent of these is Giasuddin Mamun, a close friend and business partner of former Tarique Rahman, who was reportedly detained one month ago. Three more individuals - Waliul Islam, former director of scandal-plagued and Tarique-linked Oriental Bank; another Tarique Rahman associate, businessman Anis Ahmed; and businessman Anwar - disappeared from Dhaka on February 25. The government has ignored press queries on these persons.

